

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 1, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:04 p.m., Wednesday, March 1, 2000, in the Board Room, York County Finance Building, by Chairman Walter C. Zarembo.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. Brett Morrison, York County Youth Commission, gave the Invocation

Pledge of Allegiance to the Flag of the United States of America. Mr. Robert Hershberger, Williamsburg Area Chamber of Commerce, led the Pledge of Allegiance.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Vice Chairman Burgett welcomed the following individuals as newly appointed members to their respective boards or commissions, and presented them with copies of the Boards and Commissions Handbook and York County pins:

| | |
|---------------|-----------------------------------|
| Patty Heath | Parks & Recreation Advisory Board |
| Hiram Simkins | Transportation Safety Commission |

YORK COUNTY YOUTH COMMISSION

Miss Jyothi Natarajan, Vice Chairman of the York County Youth Commission, made the Commission's third quarterly report to the Board of Supervisors. She thanked Mr. Wiggins for the support he has given the Commission, and she reviewed the accomplishments of the Commission during the last quarter:

- Support for the Annual Christmas Tree Lighting Ceremony in Yorktown
- Second Annual County-wide High School Dance at Grafton High School
- Donation to St. Luke's Methodist church for purchase of food items for needy families
- Valentine Bingo Party at the Senior Center

Miss Natarajan then announced that the York County Youth Commission now had a web site, and she reviewed its contents with the Board members. She stated the Commission was looking forward to the 3rd Annual Regional Neighborhoods Conference at Woodside High School this Saturday, indicating York County would be moderating several sessions throughout the day. Miss Natarajan also announced that the Commission is actively involved in the planning process for a Youth Emphasis Week to take place October 9-15. She stated the Outstanding Youth Awards applications were available, and the deadline was being extended to March 8. Applications for next year's Youth Commission appointments are also available in the schools.

Chairman Zarembo stressed the importance of getting the word out about the Outstanding Youth Awards so that the sponsors can get their applications in. On behalf of the Board and the County, he expressed great pride in the Youth Commission, stating they have set very high standards through their involvement in the community.

PROPOSED FISCAL YEAR 2001 BUDGET

Mr. Stuck presented the proposed FY2001 Operating Budget to the Board of Supervisors and reviewed the issues impacting it—cost shifting, no tax rate increases, population growth, school funding, and employee compensation. He then reviewed projected revenues for the fiscal year which are expected to increase 6.2 percent. Mr. Stuck stated the proposed budget contains a recommended County increase of \$1.56 million for School operations, or about 6.2 percent. Projected local revenue for FY2001 is \$68.1 million, up from \$64.1 million in FY2000. There are only 3.75 new positions recommended in the proposed General Fund budget. Step increases and a market adjustment of 5.4 percent for personnel, along with the Virginia Retirement System rate decrease and an increase in the health insurance costs, will cost approximately \$1.3 million. Non-personnel increases total \$977,000. Mr. Stuck concluded his presentation by stating that the proposed FY2001 budget conforms to the Board's direction to maintain the current tax rate. The County is in excellent financial condition. Many requests considered necessary by staff to meet current and future service delivery demands are not included. Maintaining current services will be increasingly difficult in the future without some sort of additional revenue.

YORK COUNTY SCHOOL BOARD (Not on Agenda)

Mr. Barrent Henry, a member of the York County School Board, appeared to discuss the impact of handicapped students and the associated increasing high cost on the School Division's budget.

Meeting Recessed. At 7:57 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:05 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGAMENDMENT TO THE YORK COUNTY CODE; EXOTIC OR POISONOUS ANIMALS

Mrs. Carla Hook, Assistant County Attorney, briefly explained the purpose of proposed Ordinance No. 00-1 to amend the York County Code to allow the County to collect a fee from the owners of exotic or poisonous animals found running at large. She noted that a definition of "exotic" animal was added to the ordinance and a copy provided to the Board.

Mr. Nick Willey, Animal Control Officer, defined the term "running at large" for the Board members, which included being on property other than the property of the animal's owner if the animal was not under the owner's voice control.

Mr. Wiggins asked if a permit was required to own a poisonous snake.

Mr. Willey indicated a permit was required only if the animal was on the endangered species list.

Discussion followed on liability of the property owner.

Mr. Burgett addressed the "running at large" term, asking if an animal would be considered running at large if he went over to the neighbor's yard.

Mr. Willey indicated the law states the animal must be under the owner's immediate control. If the owner can't get the animal's attention by voice control, he is considered running at large.

Chairman Zaremba called to order a public hearing on proposed Ordinance No. 00-1 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND ARTICLE I, IN GENERAL, OF CHAPTER 4, ANIMALS AND FOWL, YORK COUNTY CODE, TO ALLOW THE COUNTY TO COLLECT A FEE FROM THE OWNERS OF EXOTIC OR POISONOUS ANIMALS FOUND RUNNING AT LARGE

There being no one present who wished to speak concerning the subject ordinance, Chairman Zaremba closed the public hearing.

Mr. Burgett then moved the adoption of proposed Ordinance No. 00-1 that reads:

AN ORDINANCE TO AMEND ARTICLE I, IN GENERAL, OF CHAPTER 4, ANIMALS AND FOWL, YORK COUNTY CODE, TO ALLOW THE COUNTY TO COLLECT A FEE FROM THE OWNERS OF EXOTIC OR POISONOUS ANIMALS FOUND RUNNING AT LARGE

BE IT ORDAINED by the York County Board of Supervisors this 1st day of March, 2000, that the following section of Article I, In General, Chapter 4, Animals and Fowl, York County Code, be and it is hereby amended to read and provide as follows:

Chapter 4

ANIMALS AND FOWL

ARTICLE I: IN GENERAL

* * *

Sec. 4-2.1 Animals or fowl trespassing or running at large on highways.

It shall be unlawful for any person to cause or permit any animal or fowl owned or managed by, or under the control of, such person to trespass upon any land not owned or managed by, or not under the control of, such person, or to cause or permit any animal or fowl owned or managed by, or under the control of, such person to run at large upon any public highway within the county, whether such highway be enclosed by a fence or not. Any person who causes or permits any exotic or poisonous animal to run at large may be required to pay a fee to cover the actual cost in locating, capturing and/or otherwise disposing of the animal. Actual costs in locating, capturing and/or otherwise disposing of the animal include any medical costs incurred by any county employee who is injured and/or envenomed during the process of locating, capturing and/or otherwise disposing of the animal. For purposes of this section, "exotic animal" means any animals other than a domestic or feral dog or cat, cattle, horses, sheep, goats, swine, enclosed domesticated rabbits or hares, domestic fowl and games birds raised in captivity.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

CITIZENS COMMENT PERIOD

Mr. Nick Barba, President of the York County Business Association (YCBA), spoke on behalf of the membership concerning the current review of the York County Zoning Ordinance. He stated the YCBA would like to be included in any review or amendments to the ordinance because of the impact they will have on County businesses. Any changes should be business and user friendly.

Ms. Ingrid Blanton, Executive Director, Williamsburg Land Conservancy, thanked the Board for its past support and asked for its future support through approval of this year's funding request. She outlined the Conservancy's objectives of education on and conservation of special lands in the region.

Mr. Tim Whitlock, Treasurer, York County Little League, requested that the County provide portable toilets at baseball fields used by the Little League in order for the Little League to administer the youth baseball program for the County. Since 1993 the Little League has incurred a cost of approximately \$5,000 a year to provide the toilets at public facilities. Discussions have taken place with Parks and Recreation personnel who indicate no funds are available for this purpose. Mr. Whitlock asked the Board to consider including funding for portable toilets in its FY2001 budget. He suggested that the costs might be shared with the soccer program. He then distributed to the Board members copies of bills for the portable toilets.

Ms. Pamela Johnson, representing the Heritage Humane Society, spoke of the increased number of pets being brought in to the Heritage Humane Society facility on Waller Mill Road, and she asked that the County provide funding to help reduce the shelter's deficit.

Mr. Carl Aschman, Vice President, Board of Directors, Heritage Humane Society, spoke regarding the funding request and provided the Board members with an overview of the Society's activities which benefit the jurisdictions it serves. He asked the Board to support the Heritage Humane Society's funding request for the upcoming year.

Ms. Kathleen A. Ware, a paramedic/firefighter, addressed comments made at a recent meeting concerning bills before the General Assembly concerning female firefighters and their being given disability due to ovarian cancer. Because of comments he made at a previous meeting, she expressed her concern at Mr. Stuck's lack of understanding of the issue, and she spoke of the firefighters' exposure to many forms of hazardous chemicals on the job.

Mr. Jim Pouchot, 103 Kimberly Court, spoke concerning petitions being available to sign at the polling places at yesterday's primary without a required permit. He stated numerous County officials were involved; and when approached, Sheriff Diggs indicated he did not have a permit and would not enforce a law which he felt was bad. Mr. Pouchot stated he felt there were different standards applied to different people in the County, and he asked that corrective action be taken.

Mr. Earl Joyner, representing the York County Professional Firefighters, stated the firefighters are preparing for this year's fundraising event, a concert on May 8 at 7:30 p.m. He stated he wished to let the public know if they were approached to support the fundraiser, that it was a legitimate event.

Mrs. Pam Pouchot, 103 Kimberly Court, also spoke concerning selective enforcement of Section 17-57 of the York County Code regarding the permitting process for use of public facilities. She indicated she went to Grafton-Bethel polling place to vote yesterday and was approached to sign a petition for placement of names on a ballot. She stated she determined that no one had a permit for the petition, and she went to several other polling places and found the same. She noted that Mr. Stuck verified that no one had requested a permit, but he stated a memorandum had been written some time ago concerning what was allowed at polling places. Mrs. Pouchot expressed her dismay that the Sheriff chose to ignore the law.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett briefed the Board on the status of several bills being considered during this session of the General Assembly. He stated that as adopted Senate Bill 758 would have removed cellular towers from local government control, but it was withdrawn. Mr. Barnett then briefed the Board on his trip to the State Supreme Court to argue the appeal on the Dail case regarding enforcement of the County's forestry ordinance. He indicated it will be April before an opinion is issued.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck noted this meeting would be the last Board of Supervisors' meeting held in this building. Tomorrow the contractor will be moving in to start work on the renovations. The Board of Supervisors will be meeting at York Hall for a work session next Wednesday, and he reminded the Board of the ribbon cutting ceremony on March 15 at 5:00 p.m.

Chairman Zaremba asked that the Board be provided with an invitation list for the event.

MATTERS PRESENTED BY THE BOARD

Miss Rapp indicated she would conduct her first constituent meeting tomorrow at the Tabb Branch of the York County Library at 7:30 p.m.

Mrs. Noll thanked the Board of Elections and the election officers who worked the primary yesterday. She noted that on page 10 of the York Town Crier there was a very good explanation of

the leash law for the public to review. She then provided the Board members with a copy of the Hampton Roads Planning District Commission Annual Report.

Mr. Wiggins indicated the Board has been criticized for talking too much and making the meetings go too long. He stated he felt he was elected to represent the people, and he usually had something to say to them. Mr. Wiggins stated the Board members have been inundated with calls from people who have serious problems with stormwater runoff and drainage, and it is the most serious problem in the County at this time. All of the Board members are very concerned about the problems, but York County does not have the money to fix all the drainage problems. He noted that the major responsibility for correcting the problems is on the Highway Department, and the Highway Department has indicated it does not have the necessary funds to correct the problems. Mr. Wiggins noted he felt the past Boards had put the problems off hoping they would go away, but this Board needed to get VDOT to correct them. He stated the Board needs to put pressure on its local senators and delegates to get financing help from the State. Mr. Wiggins asked the citizens to be patient in the meantime and do what they could to keep their ditches cleaned out and open.

Mr. Burgett stated he had attended the Regional Issues Committee meeting last week. The topic was transportation, and there were presentations from three different people. He stated a draft joint resolution was forthcoming to all the Boards of Supervisors and City Councils with all supporting data for the consideration of several transportation issues. Mr. Burgett noted he had attended a recent YCBA meeting at the Caritas Civic Center building, and stated how nice the facility was. He then asked the Board to consider looking at ways to help the elderly on fixed incomes through some tax relief measures.

Chairman Zaremba noted the Board is in the budget process for FY2001, and he asked the citizens to get involved. On March 14 the Board of Supervisors will conduct its public hearings on the proposed budget and tax rates at York High School. He encouraged the citizens to contact the Board members through mail, email, telephone, or web site. Mr. Zaremba then spoke of the topic addressed by several this evening concerning an activity that took place yesterday at the polls, and he asked Mr. Barnett to address the alleged violation at the Board's next meeting. He then noted that Mr. John Dunn, the Director of Environmental and Development Services, will be leaving the County this Friday to take a position with the City of Norfolk as its Director of Utilities. On behalf of the Board of Supervisors, he expressed appreciation for Mr. Dunn's service and wished him well in his new position.

UNFINISHED BUSINESS

REQUEST FOR TOURISM FUND ALLOCATION: WILLIAMSBURG AREA CHAMBER OF COMMERCE

Mr. Stuck indicated that last year the Board considered allocations of tourism funds, and there were a number of requests at that time. The Williamsburg Area Chamber of Commerce had requested \$60,000 from the County to support the construction of new offices for the Chamber and the Convention Bureau. The recommendation at that time by staff was to provide half the requested amount over a two-year period. Mr. Stuck provided the Board members with information concerning contributions to the project by Williamsburg and James City County. He stated the Board at that time deferred action. Mr. Hershberger recently sent a letter asking if the Board was willing to bring the matter back up for consideration, and he provided the Board members with information about private sector contributions.

Mr. Don Messmer, representing the Williamsburg Area Chamber of Commerce, spoke concerning the earlier request of \$60,000. He stated the good news is that the Chamber was able to raise 108 percent of its goal, but the bad news is that the construction costs for the building came in \$150,000 higher than the architect's estimate on which the project budget was derived. He indicated there is still a need for the County's support, and he noted that Williamsburg had donated \$125,000, and James City County had donated \$50,000. Mr. Messmer indicated the Chamber provides to the entire community, and it has been frugal in its use of the funds it gets from York County. A large share of each dollar goes directly into promotion rather than facility costs. The competition for the travel dollar has never been more dramatic than it is today, and continual refinement of strategies is needed as well as more aggressive marketing. Mr. Messmer stated the current Chamber space is cramped and poorly located. The new facility will be in the center of town, better able to serve the community.

Mr. Wiggins stated it seemed to him that something was said about York County having contributed to the Chamber in the past in the way of rent.

Mr. Messmer indicated the money contributed by York County in part goes to pay for the space. What was spent on that space is far less than what is being spent in neighboring communities.

Mr. Wiggins asked if Mr. Messmer was saying that if York County funds the Chamber's request, its contribution will be reduced in the future.

Mr. Messmer stated the County will, through its contribution, help the Chamber lock in the current economical rate for the cost of building the facility.

Mr. Wiggins noted the Chamber would then still have mortgage payments.

Mr. Messmer indicated Mr. Wiggins was correct.

Mr. Robert Hershberger, Executive Director of the Williamsburg Area Chamber of Commerce, indicated the Chamber is raising money, recognizing it will have to borrow a portion of the needed amount for the facility. Financing will be through Chesapeake Bank.

Miss Rapp noted Mr. Messmer indicated that James City County had contributed \$50,000, and the Chamber was requesting \$60,000 from York County.

Mr. Messmer responded affirmatively, stating that the City of Williamsburg also contributed \$150,000.

Mr. Zaremba asked what was requested from James City County.

Mr. Messmer indicated the request was for \$100,000.

Mrs. Noll expressed her concern with providing funding for bricks and mortar, and noted the York County Business Association was able to build Caritas without having to ask government for contributions. She suggested that the Board designate an amount which it normally gives the Chamber from the Tourism Fund and earmark it to this project.

Mr. Burgett agreed with Mr. Messmer in that York County is entwined with the Chamber. There is a tremendous amount of money that comes into York County from the area businesses which the Chamber tirelessly promotes. He moved that the Board contribute a total of \$40,000 to the Williamsburg Area Chamber of Commerce, above and beyond the normal contribution to the Chamber, to be taken from the County Tourism Fund over a two-year period.

Chairman Zaremba stated the Board earlier gave the Chamber of Commerce a challenge to see if it was successful in its fundraising endeavor, and it has come a long way since that time. He indicated he was well aware of what the County contributed to the Visitor and Convention Bureau, and he felt there was a need for a partnership. There is a lot of competition regarding the race for tourism dollars; and if the area is going to survive as a region, the communities need to start looking at how they can work together to make sure those dollars aren't lost to other areas. Chairman Zaremba stated he felt the request was reasonable, and he would agree with Mr. Burgett's motion of \$20,000 a year for two years.

Mr. Wiggins concurred, stating the County needs new industry and business in order to keep the taxes down.

Miss Rapp asked if the proposal was over and above what is normally given to the Chamber.

Mr. Burgett noted the contribution should come from the Tourism Fund.

Mrs. Noll stated she felt the money should come from the total amount the County normally gives, and that Mr. Burgett's proposal was additional money. She moved that Mr. Burgett's motion be amended to indicate that the money may not be spent on the new building.

On roll call on Mrs. Noll's amendment, the vote was:

Yea: (2) Rapp, Noll
 Nay: (3) Wiggins, Burgett, Zaremba

Discussion followed concerning budgeted funding for the Chamber of Commerce and the Visitor and Convention Bureau from the Tourism Fund.

Chairman Zaremba indicated that the issue before the Board was the proposal by Mr. Burgett to contribute \$20,000 a year for two years, funding which would be in addition to the contributions made to the Chamber and the Visitor and Convention Bureau. He asked the Board members to make a decision on the supplemental request from the Convention Bureau at a later time.

Mrs. Noll reiterated her desire not to contribute money to be used for bricks and mortar.

On roll call on Mr. Burgett's main motion, the vote was:

Yea: (3) Wiggins, Burgett, Zaremba
 Nay: (2) Noll, Rapp

CONSENT CALENDAR

Chairman Zaremba asked that Item No. 5 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 3, 4, and 6, respectively.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meetings of the Board of Supervisors were approved:

February 1, 2000, Adjourned Meeting
 February 2, 2000, Regular Meeting

Item No. 4. COMMENDATION OF FORMER MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS: Resolutions R00-24, R00-25, R00-26, and R00-27

Resolution R00-24:

A RESOLUTION TO COMMEND THE SERVICES OF JERE M. MILLS
 AS A PAST MEMBER OF THE YORK COUNTY BOARD OF SUPERVI-
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WHEREAS, Jere M. Mills distinguished himself by service on the York County Board of Supervisors for twelve years during the period 1988 through 1999, serving as its Chairman during the years of 1992, 1993, and 1997, and as its Vice Chairman in 1991; and

WHEREAS, Mr. Mills served on the Board of Supervisors during a time of great change, helping to prepare the County to enter the 21st Century; and

WHEREAS, during his tenure, Mr. Mills provided the Board with energetic and inspiring optimism, representing his district and the County with professionalism and dignity, always with the citizens' best interests at heart; and

WHEREAS, always mindful of the County's great historical significance, Mr. Mills was instrumental in the inaugural movement to revitalize Yorktown to restore the town and its waterfront to a state that will complement its great heritage; and

WHEREAS, Mr. Mills was a strong supporter of the County's public school system, having approved budgets over the course of his tenure which facilitated an unprecedented expansion and rehabilitation of school facilities; and

WHEREAS, Mr. Mills' service on the Board included the consideration of a myriad of issues and programs that have set a course that will serve the County well for many years to come, which include but are not limited to:

- establishment of the Virginia Peninsulas Public Service Authority;
- development of the Central Operations complex on Goodwin Neck Road;
- a fire hydrant installation program and a major expansion of the County's fire and rescue services and facilities;
- approval of long-term arrangements for water supply and service by Newport News and Williamsburg;
- initiation of a County-wide curbside recycling collection program;
- approval of the County's first true Comprehensive Plan, Charting the Course to 2010, and the update, Charting the Course to 2015;
- establishment of a six-year capital improvement planning process;
- approval of a comprehensive program, Target 2000 and its updates, to provide public water and sewer service to numerous areas of the County;
- approval for the establishment and construction of the Virginia Peninsula Regional Jail;
- construction of a new York-Poquoson Courthouse;
- construction of the Tabb area library;
- approval of a contractual agreement with the YMCA for a community center; and

WHEREAS, the Board of Supervisors wishes to express its sincere appreciation to Mr. Mills for his prior service to the citizens of the County of York;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of March, 2000, that Jere M. Mills be, and he is hereby, commended for his dedicated and exemplary service to the County of York and its citizens.

BE IT FURTHER RESOLVED that the Board extends its heartfelt best wishes to Mr. Mills and his family for continued happiness and success in all future endeavors.

Resolution R00-25:

A RESOLUTION TO COMMEND THE SERVICES OF JAMES W. FUNK AS A PAST MEMBER OF THE YORK COUNTY BOARD OF SUPERVISORS

WHEREAS, James W. Funk distinguished himself by service on the York County Board of Supervisors for twelve years during the period 1988 through 1999, serving as its Chairman during the years of 1989, 1990, and 1996, and as its Vice Chairman during 1988, 1993, 1994, 1998, and 1999; and

WHEREAS, Mr. Funk served on the Board of Supervisors during a time of great change, helping to prepare the County to enter the 21st Century; and

WHEREAS, during his tenure, Mr. Funk served the County and its citizens with total dedication, representing his district and the County with the highest degree of professionalism and dignity; and

WHEREAS, ever mindful of the challenge to balance the needs of the citizens with an affordable tax rate impacted by unfunded State and Federal mandates, Mr. Funk diligently worked to provide the people of York County with the best possible services for their tax dollars; and

WHEREAS, Mr. Funk was a strong supporter of the County's public school system, having approved budgets over the course of his tenure which facilitated an unprecedented expansion and rehabilitation of school facilities; and

WHEREAS, Mr. Funk's service on the Board included the consideration of a myriad of issues and programs that have set a course that will serve the County well for many years to come, which include but are not limited to:

- establishment of the Virginia Peninsulas Public Service Authority;
- development of the Central Operations complex on Goodwin Neck Road;
- a fire hydrant installation program and a major expansion of the County's fire and rescue services and facilities;
- approval of long-term arrangements for water supply and service by Newport News and Williamsburg;
- initiation of a County-wide curbside recycling collection program;
- approval of the County's first true Comprehensive Plan, Charting the Course to 2010, and the update, Charting the Course to 2015;
- establishment of a six-year capital improvement planning process;
- approval of a comprehensive program, Target 2000 and its updates, to provide public water and sewer service to numerous areas of the County;
- approval for the establishment and construction of the Virginia Peninsula Regional Jail;
- construction of a new York-Poquoson Courthouse;
- construction of the Tabb area library;
- approval of a contractual agreement with the YMCA for a community center; and

WHEREAS, the Board of Supervisors wishes to express its sincere appreciation to Mr. Funk for his prior service to the citizens of the County of York;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of March, 2000, that James W. Funk be, and he is hereby, commended for his dedicated and exemplary service to the County of York and its citizens.

BE IT FURTHER RESOLVED that the Board extends its heartfelt best wishes to Mr. Funk and his family for continued happiness and success in all future endeavors.

Resolution R00-26:

A RESOLUTION TO COMMEND THE SERVICES OF ALBERT R. MEADOWS AS A PAST MEMBER OF THE YORK COUNTY BOARD OF SUPERVISORS

WHEREAS, Albert R. Meadows distinguished himself by service on the York County Board of Supervisors for four years during the period 1996 through 1999; and

WHEREAS, Mr. Meadows served on the Board of Supervisors during a time of great change, helping to prepare the County to enter the 21st Century; and

WHEREAS, during his tenure, Mr. Meadows served the County and its citizens with great enthusiasm, representing the people of his district and the County with the highest degree of professionalism and dignity; and

WHEREAS, Mr. Meadows strove to improve communication between the citizens of York County and its government, and he believed that the County's highest priority was to cultivate and educate the youth of York County in order to set a solid foundation for the County's future; and

WHEREAS, Mr. Meadows was a strong supporter of the County's public school system, having approved budgets which facilitated an expansion and rehabilitation of school facilities; and

WHEREAS, Mr. Meadows' service on the Board included the consideration of many issues and programs that have set a course that will serve the County well for many years to come, which include but are not limited to:

March 1, 2000

- approval of long-term agreements for water supply and service by the Cities of Newport News and Williamsburg;
- construction of a new York-Poquoson Courthouse;
- construction of the Tabb area library;
- approval of the revised Comprehensive Plan, Charting the Course to 2015;
- approval of a contractual agreement with the YMCA for a community center; and

WHEREAS, the Board of Supervisors wishes to express its sincere appreciation to Mr. Meadows for his prior service to the citizens of the County of York;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of March, 2000, that Albert R. Meadows be, and he is hereby, commended for his dedicated and exemplary service to the County of York and its citizens.

BE IT FURTHER RESOLVED that the Board extends its heartfelt best wishes to Mr. Meadows and his family for continued happiness and success in all future endeavors.

Resolution R00-27:

A RESOLUTION TO COMMEND SHEILA S. NOLL FOR HER
SERVICE AS A PAST CHAIRMAN OF THE YORK COUNTY BOARD
OF SUPERVISORS

WHEREAS, the Board of Supervisors of the County of York, Virginia, establishes the leadership of the Board each year by electing one of its members as Chairman; and

WHEREAS, the Chair was entrusted to Sheila S. Noll, representing Election District 2, for the years 1998 and 1999; and

WHEREAS, Mrs. Noll performed her duties as Chairman during the two-year period with the highest degree of dignity and integrity, representing the Board of Supervisors, the County, and its citizens at local and regional meetings and official functions in a professional and impartial manner; and

WHEREAS, Mrs. Noll worked effectively with the members of the Board of Supervisors and staff, striving to achieve consensus on major issues facing the County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of March, 2000, that Sheila S. Noll be, and she is hereby, commended for her dedicated service to the people of York County as Chairman of the Board for the years 1998 and 1999.

BE IT FURTHER RESOLVED that the sincere appreciation of the Board is hereby extended to Mrs. Noll for the dedicated and exemplary way in which she fulfilled the duties of Chairman, and best wishes are extended to her as she continues to serve the citizens of York County as a respected member of the Board.

Item No. 6. YORK COUNTY INTEREST IN THE ESTATE OF JEAN H. KLEIN: Resolution R00-36

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A DISCLAIMER OF INTERESTS IN CERTAIN PROP-
ERTY CONTAINED IN THE ESTATE OF JEAN H. KLEIN

WHEREAS, on or about November 28, 1999, Jean H. Klein, of the City of Williamsburg, Virginia, died, leaving a will which bequeathed her estate to the County of York for the benefit of Fire Station No. 3 in the Bruton District; and

WHEREAS, the County has been advised by attorneys for the estate that the estate consists entirely of household furnishings, clothing, and small items of personal property found in Ms. Klein's residence in Williamsburg as of the date of her death; and

WHEREAS, employees of the County have examined the personal property contained in Ms. Klein's residence, and have determined that it has no value for the County; and

WHEREAS, counsel for the estate has requested the County to execute a disclaimer of the County's interest in the property located in Ms. Klein's residence, so that it can be vacated; and

WHEREAS, this Board determines it to be in the best interest of the citizens of York County to execute such a disclaimer, but only with respect to furniture and other household items located in Ms. Klein's residence.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 1st day of March, 2000, that the County Administrator be, and hereby is, authorized to execute a disclaimer in certain property belonging to the Estate of Jean H. Klein, such disclaimer to be approved as to form by the County Attorney.

Item No. 5. MEMORANDUM OF UNDERSTANDING: USE OR THREAT OF DEADLY FORCE IN YORK COUNTY PUBLIC SCHOOLS: Proposed Resolution R00-28 (Removed from Consent Calendar)

Chairman Zaremba questioned the Command Authority paragraph of the Memorandum of Understanding (MOU), asking for clarification as to its intent.

Mr. Stuck stated the MOU was worked out between the School Division, Sheriff's Office, and staff; and his understanding was that during a crisis period, while the event was taking place, it was a delegation of authority to staff to act in the crisis.

Mr. Stephen Kopczynski, Fire Chief, indicated each of the staffs of the School Division, Fire and Life Safety, and the Sheriff's Office worked diligently to put the MOU together. It is an operational issue at the point of a crisis situation, and the people responsible for carrying out the necessary operations need to be given the ability to handle the situation.

Mr. Wiggins noted that is because they are trained to do so.

Chairman Zaremba wished to clarify that the language of the MOU was not intended to deny the Board of Supervisors any decision-making authority during a crisis.

Chief Kopczynski stated it depended on what operational action was involved.

Mr. Barnett stated if the Board of Supervisors would like to have input during a crisis situation, the members or Chairman would call the County Administrator, and he would act accordingly rather than the Board members showing up at the scene giving directions.

Mr. Stuck indicated the Board cannot delegate any authority it doesn't have, and it does not have any authority over the Sheriff or the School Board. The intent of this MOU is not to abrogate the Board of Supervisors' authority.

Sheriff Danny Diggs stated the MOU was strictly operational so that there are not more chiefs on the scene of a crisis than Indians.

Chairman Zaremba then moved the adoption of proposed Resolution R00-28 that reads:

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE YORK COUNTY BOARD OF SUPERVISORS TO EXECUTE A MEMORANDUM OF UNDERSTANDING REGARDING RESPONSE TO THE USE OR THE THREAT OF DEADLY FORCE IN A YORK COUNTY PUBLIC SCHOOL BETWEEN THE YORK COUNTY SHERIFF, SCHOOL BOARD AND BOARD OF SUPERVISORS

WHEREAS, the use of or threat of deadly force in a school building of the York County School Division constitutes a crisis for those in the building and invokes a response by various County agencies; and

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WHEREAS, the School Division, Sheriff's Office and Fire and Life Safety Department are integral partners in ensuring a well coordinated and executed response to the use or threat of deadly force in York County Schools; and

WHEREAS, there is a desire by the County, the School Division and the Sheriff to develop a detailed response plan for certain types of incidents of deadly force such as a person(s) attempting to inflict bodily harm using a gun(s), knife, etc., at a York County Public School; and

WHEREAS, various planning factors have been identified for the development of the detailed response plan; and

WHEREAS, the County Administrator and/or his designee(s) should use these planning factors as guidelines that may be modified based on operational necessity to meet the overall intent of the initiative; and

WHEREAS, the ultimate responsibility for the safety and welfare of York County citizens and children rests with the elected officials of York County; and

WHEREAS, the signatories delegate the authority to deal with a crisis involving deadly force or the threat of deadly force to the parties identified in the Memorandum of Understanding and the detailed response plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors this 1st day of March, 2000, that the Chairman is hereby authorized to execute the Memorandum of Understanding regarding responses to the use or threat of deadly force in a York County Public School and that authority to act on behalf of the County to develop and implement a detailed response plan is delegated to the County Administrator or his designee.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

CLOSED MEETING. At 9:45 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(3) pertaining to the acquisition of real property for the purpose of public parking.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Meeting Reconvened. At 10:25 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of March, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

REAPPOINTMENT TO THE PENINSULA DISABILITY SERVICES BOARD

Mrs. Noll moved the adoption of proposed Resolution R00-31 that reads:

A RESOLUTION TO REAPPOINT A YORK COUNTY GOVERNMENTAL REPRESENTATIVE TO THE PENINSULA DISABILITIES SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 1st day of March, 2000, that Francis J. Rogers, be and he is hereby, reappointed to the Peninsula Disabilities Services Board for a term of three years, such term to begin on April 1, 2000, and end March 31, 2003.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

REAPPOINTMENT TO THE COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Wiggins moved the adoption of proposed Resolution R00-29 that reads:

A RESOLUTION TO REAPPOINT A MEMBER TO THE COMMUNITY CRIMINAL JUSTICE BOARD

BE IT RESOLVED by the York County Board of Supervisors this 1st day of March, 2000, that Nancy H. Williams be, and she is hereby, reappointed to the Community Criminal Justice Board for a term of four years, such term to begin April 1, 2000, and expire March 31, 2004.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

Meeting Adjourned. At 10:32 p.m. Chairman Zaremba declared the meeting to 6:00 p.m., Tuesday, Monday, March 6, 2000, in the Port of York, US Coast Guard Training Center, Yorktown, for the purpose of conducting a joint meeting with the Industrial Development Authority of York County.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors